

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

IMHOFF INVESTMENT, LLC, a Michigan  
limited liability company, individually and  
as the representative of a class of similarly  
situated persons

Plaintiff,

CASE NO. 10-10996

HON. MARIANNE O. BATTANI

v.

SamMichaels, Inc.,

Defendant.

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**ORDER APPROVING CLASS NOTICE**

At a hearing on Plaintiff's Motion to Approve Class Notice held on November 14, 2012, with all parties represented by counsel, the parties and the Court discussed class certification issues, including, the proposed class notice attached hereto as Exhibit A, class definition, opt out and objection dates, and dissemination of the class notice by U.S. mail.

The Court issued its rulings and provided its rationale for those rulings on the record as confirmed in the transcript, which is made part of this order. The Court GRANTS the Motion in part, and orders as follows:

1. The form of attached Class Notice is approved;
2. Plaintiff Counsel or their agent will send via US mail the Class Notice to each person associated with each fax number identified by Plaintiff's expert witness. The relevant address information for each person may be obtained from the B2B database;
3. The opt out period shall be 45-days from issuance of class notice. Within 14 days after close of the notice period, Class Counsel shall file an affidavit regarding notice, including a list identifying all persons to whom Class Counsel received a timely notice of opt out. Class

Counsel shall separately supply Defense Counsel with a list identifying by name and address each person who was mailed a Class Notice.

4. Due to the pending motion in the Sixth Circuit Court of Appeals, Plaintiff shall not mail the Class Notice until specifically ordered by this Court.

**IT IS SO ORDERED.**

s/Marianne O. Battani  
MARIANNE O. BATTANI  
UNITED STATES DISTRICT JUDGE

DATED: December 3, 2012

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